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*Attorneys for Irving H. Picard, Trustee for the  
substantively consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 09-01161 (SMB)

Plaintiff,

v.

FEDERICO CERETTI, *et. al.*,

Defendants.

**STIPULATED ORDER APPOINTING THE DISCOVERY ARBITRATOR**

WHEREAS, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action;

WHEREAS, on April 15, 2016, the Trustee filed a Motion to Compel Defendants to Produce Documents and Participate in Discovery (the “Motion to Compel”), seeking *inter alia*, an order directing the Joint Liquidators for the Kingate Global Fund, Ltd. and Kingate Euro Fund, Ltd. (the “Funds”) to produce to the Trustee the “Bermuda Productions,” as defined in the Motion to Compel (ECF. Nos. 252-254);

WHEREAS, on May 20, 2016, the Funds opposed the Motion to Compel (ECF Nos. 262-263);

WHEREAS, on May 31, 2016, the Trustee replied to the Funds’ opposition (ECF Nos. 272-273);

WHEREAS, on June 9, 2016, Judge Bernstein heard oral argument from the respective counsel for the Trustee and the Funds (the “Parties”) on the Motion to Compel, and reserved decision (ECF No. 277);

WHEREAS, following argument on the Motion to Compel, the Trustee’s claims against several defendants in this action, who were also parties to the Motion to Compel, were dismissed; pending the outcome of an appeal from that dismissal, those defendants are no longer parties to the action;

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the “October 4, 2016 Order”) appointing the Honorable Frank Maas (ret.), c/o JAMS, Inc. as discovery arbitrator (the “Discovery Arbitrator”) to resolve discovery disputes that may arise and which have been specifically referred to him by the Court with consent of the parties to the dispute.

NOW, THEREFORE, THE PARTIES TO THE STIPULATION AGREE AND STIPULATE AS FOLLOWS:

1. The Parties agree that the Motion to Compel shall be submitted to the Discovery Arbitrator for adjudication consistent with the October 4, 2016 Order.
2. Upon entry of this Stipulated Order Appointing the Discovery Arbitrator, the Trustee will email the Discovery Arbitrator, copying the Funds, to request a joint conference with the Discovery Arbitrator to discuss the Motion to Compel and the Discovery Arbitrator's procedures.

**ORDERED**, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: March 31, 2017  
New York, New York

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and Estate of Bernard L. Madoff*

Dated: March 31<sup>st</sup>, 2017  
New York, New York

SO ORDERED

/s/ STUART M. BERNSTEIN  
Honorable Stuart M. Bernstein  
United States Bankruptcy Judge